

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

OLLIE GREENE, *et al.*,

Plaintiffs

v.

TOYOTA MOTOR CORPORATION, *et al.*,

Defendants.

§
§
§
§
§
§
§
§
§

CAUSE NUMBER: 3:11-cv-0207-N

TOYOTA DEFENDANTS' OBJECTIONS TO PLAINTIFFS' EXHIBIT NO. 300

TO THE HONORABLE COURT:

Defendants Toyota Motor Corporation, Toyota Motor Engineering & Manufacturing North America, Inc., and Toyota Motor Sales U.S.A., Inc. (collectively, the "Toyota Defendants") file these Objections to Plaintiffs' Exhibit No. 300.

On Tuesday, June 24, 2014, Plaintiffs notified the Toyota Defendants of their intent to use Plaintiffs' Exhibit No. 300, a thirty-minute tribute video containing witness interviews of various acquaintances of the Greene family.

The Toyota Defendants object to this video footage in its entirety because it is hearsay, not relevant to Plaintiffs' claims, and consists of statements which are cumulative of witness testimony presented to the jury in court via numerous live witnesses. Moreover, many excerpts of the video pertain to Wesleigh and Kyle Greene, which are irrelevant unduly prejudicial to the Toyota Defendants and in violation of the Motion in Limine the Court granted on this topic. The probative value of this video, if any, is greatly outweighed by the unfair prejudice the Toyota Defendants are sure to suffer if this exhibit is shown to the jury. *See, e.g., U.S. v. Sampson*, 335 F. Supp.2d 166 (D. Mass. 2004) (excluding a 27-minute video detailing a victim's life); *Salazar*

v. State, 90 S.W.3d 330 (Tex. Crim. App. 2002) (trial court abused its discretion in admitting a 17-minute tribute video).

The Toyota Defendants' specific objections to Plaintiffs' Exhibit No. 300 are in the chart below.

<u>Time Start</u>	<u>Time End</u>	<u>Witness/Speaker</u>	<u>Objections</u>
00:00	00:42	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802
00:42	02:12	Fred Frank (took witness stand on June 25, 2014)	Fed. R. Evid. 401, 402, 403, 801, 802
02:12	03:07	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802
03:07	03:53	Robin Askew	Fed. R. Evid. 401, 402, 403, 801, 802
03:53	04:40	Lori Nolan	Fed. R. Evid. 401, 402, 403, 801, 802
04:40	06:19	Richard Dixon	Fed. R. Evid. 401, 402, 403, 801, 802
06:20	7:50	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Mentions Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
7:50	9:00	Vincent & Demetria Dayries	Fed. R. Evid. 401, 402, 403, 801, 802 Mentions Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
9:00	9:13	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Mentions Greene children in violation of Defendants' Joint

<u>Time Start</u>	<u>Time End</u>	<u>Witness/Speaker</u>	<u>Objections</u>
			Motion in Limine (DO. 672)
9:13	10:06	Wesleigh Greene	Fed. R. Evid. 401, 402, 403, 801, 802 Mentions Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
10:06	11:11	Narrator and other unknown speakers	Fed. R. Evid. 401, 402, 403, 801, 802 Mentions Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
11:12	11:42	Vincent & Demetrica Dayries	Fed. R. Evid. 401, 402, 403, 801, 802 Mentions Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
11:42	11:51	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Mentions Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
11:51	12:30	Erica Canty	Fed. R. Evid. 401, 402, 403, 801, 802 Mentions Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
12:30	14:27	Narrator Wyndell Kyle Greene, II	Fed. R. Evid. 401, 402, 403, 801, 802

<u>Time Start</u>	<u>Time End</u>	<u>Witness/Speaker</u>	<u>Objections</u>
			Mentions Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
14:27	15:10	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Mentions Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
15:10	16:23	William Bahney	Fed. R. Evid. 401, 402, 403, 801, 802
16:23	16:44	Lori Nolan	Fed. R. Evid. 401, 402, 403, 801, 802
16:44	17:36	James Harrod	Fed. R. Evid. 401, 402, 403, 801, 802
17:36	17:58	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802
17:58	18:48	Lori Nolan	Fed. R. Evid. 401, 402, 403, 801, 802
18:48	19:33	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Depicts Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
19:33	19:55	Lori Nolan	Fed. R. Evid. 401, 402, 403, 801, 802
19:55	20:08	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Depicts Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
20:08	20:29	William Bahney	Fed. R. Evid. 401, 402, 403, 801, 802 Mentions Greene

<u>Time Start</u>	<u>Time End</u>	<u>Witness/Speaker</u>	<u>Objections</u>
			children in violation of Defendants' Joint Motion in Limine (DO. 672)
20:29	21:02	James Harrod	Fed. R. Evid. 401, 402, 403, 801, 802
21:02	21:34	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Depicts Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
21:34	22:30	Vincent & Demetrica Dayries	Fed. R. Evid. 401, 402, 403, 801, 802 Depicts Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
22:30	22:53	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Depicts Greene children in violation of Defendants' Joint Motion in Limine (DO. 672)
22:53	23:05	Rudy Williams	Fed. R. Evid. 401, 402, 403, 801, 802
23:05	23:36	Robin Askew	Fed. R. Evid. 401, 402, 403, 801, 802
23:36	24:29	Erica Canty	Fed. R. Evid. 401, 402, 403, 801, 802
24:29	25:18	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Asserts evidence pertaining to damages related to Greene Children, Wesleigh

<u>Time Start</u>	<u>Time End</u>	<u>Witness/Speaker</u>	<u>Objections</u>
			and Kyle Greene, in violation of Defendants' Joint Motion in Limine
25:18	26:02	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Depicts gruesome photographs of charred remains of Greene Children and LaKeysha Greene lying in roadway at accident scene
26:02	26:32	Robin Askew	Fed. R. Evid. 401, 402, 403, 801, 802
26:32	27:20	James Harrod	Fed. R. Evid. 401, 402, 403, 801, 802
27:20	27:46	Vincent & Dametrica Dayries	Fed. R. Evid. 401, 402, 403, 801, 802
27:46	27:58	Erica Canty	Fed. R. Evid. 401, 402, 403, 801, 802
27:58	28:30	William Bahney	Fed. R. Evid. 401, 402, 403, 801, 802
28:30	29:40	Lori Nolan	Fed. R. Evid. 401, 402, 403, 801, 802 Contains evidence regarding alleged damages that pertain to Wesleigh and Kyle Greene
29:40	30:19	Narrator	Fed. R. Evid. 401, 402, 403, 801, 802 Contains evidence regarding alleged damages that concern Wesleigh and Kyle Greene

Respectfully submitted,

/s/ Kurt C. Kern

KURT C. KERN

State Bar No. 11334600

kurt.kern@bowmanandbrooke.com

DAVID P. STONE

State Bar No. 19289060

david.stone@bowmanandbrooke.com

JUDE T. HICKLAND

State Bar No. 24065416

jude.hickland@bowmanandbrooke.com

BOWMAN AND BROOKE LLP

2501 North Harwood Street, Suite 1700

Dallas, Texas 75201

(972) 616-1700

(972) 616-1701 (fax)

ATTORNEYS FOR TOYOTA DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all known counsel of record in this cause in accordance with the Federal Rules of Civil Procedure on this 25th day of June, 2014.

/s/ Kurt C. Kern